

LOCAL RULE 1002-1

Petition - General

A. Filing in Proper Division: A petition seeking relief under the Bankruptcy Code shall be filed in the divisional office in which the debtor's domicile, residence, principal place of business or principal assets were located for the greater part of the 180 days immediately preceding the filing of the petition, unless an extreme hardship would result or justifiable cause can be shown.

B. Representation by Counsel: Any entity, as defined in 11 U.S.C. § 101(15), other than a person, must be represented at all times by an attorney who is a member in good standing of the Bar of this Court.

C. Additional Requirements:

1. Original Signature: The original petition filed must include an unsworn declaration with the original signature of all debtors and the original signature of the debtor's attorney, if any.

2. Number of Debtors: More than one entity cannot be listed as the debtor, except that husband and wife may file a joint petition.

3. Additional Documents to be Filed:

(a) a schedule of assets and liabilities on the approved bankruptcy form or a Chapter 13 statement, if applicable.

(b) if the debtor is a corporation, a copy of the corporate resolution or other appropriate authorization, as specified in Local Rule 1074-1.

(c) if a Chapter 11 petition, a list of 20 largest unsecured creditors (pursuant to Bankruptcy Rule 1007(d)).

(d) a typed mailing matrix or properly formatted 3½" disk pursuant to Local Rule 1007-2

D. Electronic Filing: Requirements applicable to petitions filed with the Court in electronic format are governed by Local Rule 5005-4 and the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, which may be modified from time to time and posted on the Court's Internet website.

LOCAL RULE 1007-2

Mailing Matrix

A. Controlling as List of Creditors: The mailing matrix is to be a complete list of creditors of the case, and should any discrepancies appear between the matrix and the list of creditors filed within the official form required, the matrix shall be controlling. The filing of a mailing matrix is certification that it is a complete and correct list of all creditors of the debtor(s).

B. Requirements for Mailing Matrix:

1. The mailing matrix shall include the names and addresses of all creditors in alphabetical order.
2. Items should be typed in ALL CAPS.
3. The list is to be in a single vertical column with no grid lines.
4. There should be at least 2 blank lines above and below each creditor name and address combination.
5. Reflect the case name ONLY in the 1-inch top margin. **Exclude** the name and address of the debtor, joint debtor, attorney for debtor(s), United States Trustee and case trustee from the master mailing list. This information will be added by the Clerk's office.
6. Individuals must be listed as last name(comma)(space) first name with no periods.
Example: DOE, JOHN, JR
7. Each entry should consist of 3 or 4 lines up to a maximum of 35 characters each. (If the creditor name is more than 35 characters, it will be shortened by the Clerk's office.)
8. Leave at least one single space between the city and state and zip code. A comma between them is unnecessary: ROANOKE VA 24010.
9. Use the official United States Postal Service state abbreviations.
10. Addresses shall include zip codes.

Examples:

WHOEVER, JOHN, JR	XYZ SALES & SERVICE
5932 LOVERS LANE PO BOX 92900	
ROANOKE, VA 24019	CHARLOTTE NC 38902

C. Incomplete Addresses: An address containing only a name, or name and incomplete address will **not be mailed**.

D. Adding Creditors: When an addition of five or more creditors is made to the mailing matrix, the entire mailing matrix is **not** to be filed. A supplemental mailing matrix, containing only the newly added names and addresses of those creditors added shall be filed.

E. Change of Address: The attorney of record or *pro se* debtor(s) shall notify the Clerk in a separate letter of a change of mailing address for the debtor(s) or debtor's counsel.

F. Format for Filing: Any Mailing Matrix filed with the Court must either be presented —
— on:

—— 1. Diskette: (*preferred method*)

—— (a) Only 3½" High Density

—— (b) Include only one case on each diskette.

—— (c) Save the file to the diskette in a generic ASCII format only.

—— (d) Diskettes will be returned only if they are clearly labeled with your name. They will then be available at the Clerk's office for pick up.

—— 2. Paper:

—— (a) Paper should be 8½" by 11" white bond or standard copy paper.

—— (b) Margins should be 1 inch minimum top, bottom and left.

—— (c) Font should be a Roman font, no smaller than 12 point.

F. Format for Filing: All non-electronic filings made with the Court must include a diskette containing an alphabetical listing of all creditors with their complete mailing address, including zip code, saved in PDF format and attached to the petition.

1. Diskette Format: Only 3½" High Density (HD) MS DOS format diskettes, or such other type as may be authorized in the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, which may be modified from time to time, shall be accepted. A separate diskette must be submitted for each case. The file containing the matrix information shall be saved in a generic ASCII format only, unless otherwise authorized in the previously referenced Court's Administrative Procedures. Diskettes may be retrieved from the Clerk's Office only if clearly marked with the name of the firm or person to which or whom they are to be returned. If

return by mail is requested, a self-addressed envelope bearing the necessary postage must be provided with a written request that the diskette be returned.

2. Exceptions: Pro-se debtors, if unable to comply with this requirement, shall file the list of creditors as provided above on paper in scannable format and having the following specifications: white bond or standard copy paper, 8½” by 11” in size, margins of at least 1” top, bottom and left, and typed or printed with a Roman font no smaller than 12 point in size. For other than pro-se debtors, a proper format for the mailing matrix will be considered by the Court only upon submission of a written motion for waiver, proposed order, and list of creditors complying with the provisions of this paragraph.

G. Returned or Undeliverable Mail: It is the responsibility of the debtor(s) to provide complete and correct addresses. All undelivered mail will be returned to the debtor(s) or debtor’s counsel, and it shall be the duty of the debtor(s) to forward copies of all notices to the proper parties and notify the Court of the correct address.

LOCAL RULE 2002-1

Notice to Creditors and Other Interested Parties

A. Proponent to Give Notice:

1. Generally: The proponent of any post petition action shall give notice to all parties affected thereby, unless there is a specific prohibition or exception set forth in the Bankruptcy Code, Bankruptcy Rules, Federal Rules of Civil Procedure, or these Local Rules. A certification of such notice is to be promptly filed with the Clerk of Court.

2. In Reorganization Cases: All proponents of plans in reorganization cases shall give the notice required under Bankruptcy Rule 2002(b), in a form approved by the Clerk of Court, and shall file proof of service with the Court.

B. Authority for Agreements to Give Notice: The Clerk is authorized to enter into agreements with debtors wherein they will provide all required notices to interested parties in cases where the interest of justice and efficiency are served thereby. The Clerk shall approve the form of all such notices, and proof of service shall be filed with the Court.

C. Notice by Publication:

1. Place of Publication: All notices requiring publication shall be published at least once unless otherwise required by order, rule or statute, and such notice shall be published in newspapers of general circulation as the Court may order.

2. Time of Publication: All notices shall be published at least six (6) business days prior to any action to be taken pursuant to the notice, and a longer notice shall be given when required by rule or statute or where deemed proper by the Court.

D. Notice and Service by Electronic Transmission:

1. Automatic Notice of Electronic Filing: Whenever a pleading or other paper is filed electronically, a Notice of Electronic Filing will be automatically generated by the Electronic Case Filing system at the time of filing, and sent electronically to the party filing the pleading or other paper, as well as to all parties in the case who are registered participants in the Electronic Case Filing system or have otherwise consented to electronic notice.

2. Required Email Address: All registered participants shall maintain a current and active e-mail address to receive notification in CM/ECF.

3. Equivalent to Service by Conventional Mail: Service by electronic means is complete on transmission unless a party learns that attempted service did not reach the person to be served, and electronic service is treated the same as service by mail for the purpose of giving parties an additional three days to respond.

4. Electronic Service Required: The filing party, who is a registered CM/ECF participant, shall serve the pleading or other paper electronically upon all persons entitled to notice or service in accordance with the Federal Rules of Bankruptcy Procedure and this Court's Local Rules.

5. Registered Participants Consent to Electronic Service: Pursuant to FRBP 7005, a registered CM/ECF participant consents to receive notice and service by electronic means, which shall constitute proper service. If the recipient of notice or service is a registered CM/ECF participant, service of the "Notice of Electronic Filing" shall be the equivalent of service of the filing by first class mail, postage pre-paid. Consent generally to electronic notice is not applicable to service of the original complaint and summons for an adversary proceeding pursuant to FRBP 7001 or a motion commencing a contested matter pursuant to FRBP 9014 until such time as FRBP 7004 may be amended to permit electronic service of such a complaint or motion.

6. Service on Non-Registrants: Service of any pleading or other document, other than a complaint or motion required to be served in accordance with FRBP 7004, may be made upon non-registered ECF users by transmitting it by electronic facsimile ("fax") to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number and facsimile number, and the number of pages transmitted. The effective date and time of such service shall be either Eastern Standard Time or Eastern Daylight Time, whichever is applicable in the Clerk's Office at the time of said transmission.

7. Service of Non-Electronically Filed Documents: Pleadings or other documents which are not filed electronically shall be served in accordance with the Federal Rules of Bankruptcy Procedure and these Local Rules, except as otherwise provided by order of the Court.

New Rule

LOCAL RULE 5003-1

Records Kept by the Clerk

A. Authorization to Accept Electronic Filings: Effective upon the entry of the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia the Clerk of Court will accept documents filed electronically pursuant to Local Rule 5005-4. Effecting an electronic filing of a petition, pleading, order, decree, judgment or other document shall constitute entry of that filing on the docket maintained by the Clerk of Court.

B. Cases Assigned To Electronic Filing System After Opening: In any case assigned to the Electronic Filing System after such case has been opened, any authorized User who has previously filed documents in paper form shall provide the Clerk, upon request, electronic copies of all such documents and shall file all subsequent documents in electronic format.

C. Non-Electronically Filed Documents: Effective upon the entry of the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia any petition, pleading or other document which is filed in paper format shall be required to be filed with the Clerk in scannable format. The Clerk shall scan each such petition, pleading, or other document so filed and convert the same into electronic format. The originals may be shredded or otherwise appropriately discarded by the Clerk after a period of ninety (90) days has elapsed from the date of their filing unless

(i) at the time of filing, the filing party requests in writing that such petition, pleading or other document be returned and provides to the Clerk a self-addressed envelope bearing the necessary postage;

(ii) within such ninety (90) day period a duly authorized representative of the Office of the United States Trustee or the United States Attorney for this District requests that such petition, pleading or other document be turned over in which case the Clerk shall do so unless the item in question has already been returned to the filing party pursuant to (i) above;
or

(iii) the Court orders otherwise.

LOCAL RULE 5005-1

Filing Papers - Requirements

A. Filing in Proper Division

1. **Petitions**: A petition seeking relief under the Bankruptcy Code shall be filed in the divisional office in which the debtor's domicile, residence, principal place of business or principal assets were located for the greater part of the 180 days immediately preceding the filing of the petition, unless an extreme hardship would result or justifiable cause can be shown.

2. **All Other Papers**: All motions, pleadings, complaints, and other papers relating to a bankruptcy case or proceeding shall be filed in the divisional office of the Court in which the bankruptcy case is pending, except for those matters covered by 28 U.S.C. § 1409.

B. **Representation by Counsel**: Any entity, as defined in 11 U.S.C. § 101(15), other than a person, must be represented at all times by an attorney who is a member in good standing of the Bar of this Court.

C. Additional Requirements:

1. **Original Signature**: The original petition filed must include an unsworn declaration with the original signature of all debtors and the original signature of the debtor's attorney, if any.

2. **Number of Debtors**: More than one entity cannot be listed as the debtor, except that husband and wife may file a joint petition.

3. **Additional Documents to be filed with Petition**:

(a) a schedule of assets and liabilities on the approved bankruptcy form or a Chapter 13 statement, if applicable.

(b) if the debtor is a corporation, a copy of the corporate resolution or other appropriate authorization, as specified in Local Rule 1074-1.

(c) if a Chapter 11 petition, a list of 20 largest unsecured creditors (pursuant to Bankruptcy Rule 1007(d)).

(d) a typed mailing matrix or properly formatted 3½" disk pursuant to Local Rule 1007-2.

D. Returned or Undeliverable Mail: It is the responsibility of the debtor(s) to provide complete and correct addresses. All undelivered mail will be returned to the debtor(s) or debtor's counsel), and it shall be the duty of the debtor(s) to forward copies of all notices to the proper parties and notify the Court of the correct address.

E. Electronic Filings: Petitions, pleadings and other documents filed electronically are governed by provisions of Local Rule 5005-4.

New Rule
Local Rule 5005-4

Electronic Filing of Petitions, Pleadings, Orders and Other Documents

A. Authorization: Pursuant to FRBP 5005(a)(2), effective upon the entry of the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia, petitions, pleadings, orders, and other documents may be filed, signed, or verified by electronic means which (1) are consistent with any technical standard which may be established or modified from time to time by the Judicial Conference of the United States, and (2) are permitted by and are in compliance with the Administrative Procedures authorized by the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia, as amended from time to time and posted on the Court’s Internet website. Any attorney or other person using the Electronic Filing System pursuant to this authorization shall be referred to as a User.

B. Responsibility and Effect: The electronic filing of a document by or on behalf of a User of the Electronic Case Filing System shall constitute the signature of such User for all purposes under the Bankruptcy Code and Rules, including specifically FRBP 9011. A User is responsible for any document filed by anyone authorized by such User to effect electronic filings by means of such User’s designated password. Such a filing shall further constitute such User’s representation to the Court that the User is in possession of the paper original of such document duly signed (and, if applicable, under penalty of perjury) by all necessary parties prior to electronic filing of any document required under the Bankruptcy Code or Rules or this Court’s Local Rules to bear the signature(s) of the party(ies) on whose behalf the document is filed, including specifically, the bankruptcy petition, schedules and statement of affairs. The User shall produce the duly signed paper originals of any such documents filed electronically within ten (10) days after the making of any written request thereof by the case Trustee or the Office of the United States Trustee or as may be otherwise directed by the Court.

C. Retention of Originals: The User shall retain the duly signed paper original of any document required under the preceding paragraph for a period of no less than three (3) years following such case’s dismissal or closing, unless otherwise ordered by the Court.

D. Chapter 11 Cases: For Chapter 11 cases filed electronically, it will be the responsibility of the Debtor’s attorney to mail copies of all notices required to be sent to all creditors under the provisions of FRBP 2002(j).

E. Payment of Applicable Fees: Payment of any fee applicable to the filing of any document filed electronically and payment of any fees applicable to the use of the ECF System, which are authorized or required by the Judicial Conference of the United States, shall be paid in such manner as may be provided for in the Administrative Procedures authorized by the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia, as the same may be amended from time to time and posted on this Court’s Internet website.

F. Tender of Orders by Counsel: Proposed orders tendered to the Court by counsel may be done electronically in such manner as may be authorized from time to time by the Administrative Procedures authorized by the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia, as the same may be amended from time to time and posted on the Court’s Internet website.

G. Electronic Entry of Orders: The electronic entry of orders by the Court is provided for in Local Rule 9072-1(F).

H. Electronic Notice and Service: Electronic notice and service of petitions, pleadings and other documents are provided for in Local Rule 2002-1(D).

I. Exhibits: The electronic filing of exhibits is provided for in the Administrative Procedures authorized by the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia.

J. Privacy Protection: Any limitations on public access to documents filed electronically with this Court shall be provided for in the Administrative Procedures authorized by the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia, as modified from time to time and posted on the Court’s Internet website, which order shall be subject to and in conformity with applicable provisions of statutory law and the Federal Rules of Bankruptcy Procedure.

K. Disposition of Non-Electronically Filed Documents: The retention, return and destruction of petitions, pleadings or other documents filed physically with the Clerk are provided for in Local Rule 5003-1.

LOCAL RULE 5081-1

Fees - Form of Payment

~~A. Tender of Payment: Payment of filing fees will only be accepted by the Office of the Clerk if it is tendered in cash, cashier's cheque, certified cheque, money order, or a cheque drawn on the firm of an attorney who has previously been admitted to practice before the United States Bankruptcy Court for the Western District of Virginia.~~

A. Tender of Payment: Payment of filing fees will only be accepted by the Clerk if it is tendered in cash, certified or cashier's check, money order, check drawn on the firm of an attorney who is in good standing as a member of this Court's bar, or as may be provided in Local Rule 5005-4(E).

~~B. Revocation of Privilege: For justifiable cause, the Clerk of Court may suspend the privilege of any attorney to tender a cheque drawn on his law firm for payment of fees to the Court.~~

B. Revocation of Check or Credit Privilege: For good cause, the Clerk may suspend the check or credit privilege(s) of any attorney or other person or entity otherwise entitled to enjoy the same.

New Rule
LOCAL RULE 9001-1

Definitions and Rules of Construction

The definitions of words and phrases in §§ 101, 902 and 1101 of the United States Code and Federal Rules of Bankruptcy Procedure 9001 and the rules of construction in § 102 of the United States Code and Federal Rules of Bankruptcy Procedure 9001 govern their use in these local rules. In addition, the following words and phrases used in these local rules have the meanings indicated unless the context clearly requires otherwise.

A. Definitions:

1. **“Appellate Court”** shall mean the United States District Court for the Western District of Virginia exercising its appellate jurisdiction pursuant to 28 U.S.C. § 158.
2. **“Application”**. See “Motion”. Papers should be captioned “applications” only when the Federal Rules of Bankruptcy Procedure expressly provide that a request for judicial action shall be made by “application”.
3. **“Bankruptcy Code”** or **“Code”** means the United States Bankruptcy Code Title 11 U.S.C., as amended.
4. **“Bankruptcy Court”** means the United States Bankruptcy Court for the Western District of Virginia.
5. **“Bankruptcy Rules”** or **“Federal Rules of Bankruptcy Procedure”** means the Federal Rules of Bankruptcy Procedure.
6. **“Business Day”** as used in these local bankruptcy rules shall mean any day other than a Saturday, Sunday, federal holiday or any other day on which the clerk’s office is closed.
7. **“Case”** means a bankruptcy case commenced by the filing of a petition pursuant to 11 U.S.C. §§ 301, 302, 303 or 304.
8. **“Clerk”** or **“Bankruptcy Clerk”** means the Clerk of the United States Bankruptcy Court for the Western District of Virginia. When the reference is to a different clerk, it will be specified in the text.
9. **“CM/ECF”** means the Case Management Electronic Filing System that is in use in the United States Bankruptcy Court for the Western District of Virginia.
10. **“Conventional Filing(s)”** means filings made with the Clerk of Court by the traditional means that were in effect in the United States Bankruptcy Court for the Western District of Virginia prior to the implementation of CM/ECF.

11. **“Court”** or **“Judge”** means the judicial officer before whom a case or proceeding is pending.

12. **“Defendant”** means any party against whom a claim for relief is made by complaint, counterclaim or cross-claim in an adversary proceeding.

13. **“Deputy Clerk”** means an employee of the United States Bankruptcy Court for the Western District of Virginia appointed by the Clerk.

14. **“District Court”** means the United States District Court for the Western District of Virginia.

15. **“Documents”** means all petitions, pleadings, motions, affidavits, declarations, briefs, points and authorities, and all other papers or documents presented for filing or submission; but shall exclude exhibits submitted during a hearing or trial.

16. **“FBR”** or **“FRBP”**. means the Federal Rules of Bankruptcy Procedure.

17. **“F.R.C.P.”** means the Federal Rules of Civil Procedure.

18. **“File”** includes variations of the word, such as filing, and means the delivery to, and acceptance by, the Clerk, a deputy clerk, the Court, or other persons authorized by the Court, of a document to be entered on the docket.

19. **“Local Rule”** or **“LBR”** means the Local Bankruptcy Rules of the United States Bankruptcy Court for the Western District of Virginia.

20. **“Plaintiff”** means any party claiming affirmative relief by complaint, counterclaim or cross-claim, in an adversary proceeding.

21. **“Proceeding”** includes motions, adversary proceedings, contested matters and other matters presented to the court. It does not include the “Case” as defined above.

22. **“Trustee”** one to whom the administration of the bankruptcy case is delegated and to whom the property of the estate is vested in trust for the creditors. Includes a debtor in possession in a chapter 11 case.

23. **“United States Trustee”** means the United States Trustee for Region 4 and includes the Assistant United States Trustee and any designee of the United States Trustee.

B. Rules of Construction.

1. Gender; Plural. Whenever applicable, each gender does include the other gender and the singular does include the plural.
2. Terms Not Otherwise Defined. Terms used in the Local Bankruptcy Rules that are not herein defined, will have the meanings provided in the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure. Similarly, the Rules of Construction contained in 11 U.S.C. § 102 also apply.
3. References to Rules and Statutes. Any reference in the local rules to a statute or a rule shall include any amendments or successors thereto.

LOCAL RULE 9013-1

Motions Practice

A. Requirement of Written Motion: In all cases or proceedings, all motions shall be in writing and be originally signed by the movant or movant's counsel unless made during a hearing or trial.

B. Grounds and Relief to be Stated: All motions shall state with particularity the grounds therefor and shall set forth the relief or order sought.

C. Address and Telephone Number of Attorney: The lower left-hand portion to the signature page or pleading shall include the name, address, and telephone number of the attorney or *pro se* party filing.

D. Return Date, Conference of Counsel: Except as otherwise provided by an order of the Court or by these Local Rules, all motions shall be made returnable to the time obtained from and scheduled by the Court for a hearing thereon. Before requesting a hearing date on any motion, the proponent shall confer with opposing counsel, in person or by telephone, in a good-faith effort to narrow the area of disagreement.

E. Requirement of Proof of Service: At the end of each pleading, motion and other paper required to be served upon a party, there shall be a proof of service signed by counsel (or the *pro se* party) certifying that copies were served and detailing the date, manner of service, and the names and addresses of those served.

F. Extensions: Any request for an extension of time relating to motions must be in writing and approved by the Court.

G. Determination of Motions Without Oral Hearing: In accordance with Rule 78 of the Federal Rules of Civil Procedure, the Court may rule upon motions without an oral hearing, unless otherwise required by the Bankruptcy Code, the Bankruptcy Rules, or these Local Rules.

H. Giving Notice of Motion or Hearing: The party filing a motion, response, or other pleading requiring or requesting a hearing on same, shall make a good-faith effort to contact opposing counsel for dates and then obtain a hearing date from the Court and shall give notice of that hearing date to all parties required to receive notice by the Bankruptcy Rules, these Local Rules, or by order of the Court. The original motion, response, or other pleading, the notice of hearing, and certification that notice of the hearing date has been given must be filed with the Clerk within five (5) business days after the Court has given the hearing date. Failure to file such a certification and notice within the five (5) business days may result in the Court's reassignment, without notice, of the hearing date to other matters.

I. Caption: Names of Parties: Every motion initiating a contested matter pursuant to Bankruptcy Rule 9014 shall contain a caption which conforms with Official Form 16B and an additional caption setting forth the debtor's name as shown on the petition, the assigned motion number, and a designation showing the parties as "Movant", "Respondent" and "Trustee" (when applicable). The following is an example:

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

DIVISION

IN RE
JOHN B. DOE
Debtor

Chapter _____

Case No. _____

U. R. BANK
Movant

v.
JOHN B. DOE
Respondent

Motion No. _____

and

I. B. MONEY, TRUSTEE
Respondent

J. Paragraphs: Separate Statements: All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

K. Adoption by Reference; Exhibits: Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

L. Electronic Filings: Service of any pleading filed electronically, other than a complaint and summons initiating an adversary proceeding pursuant to FRBP 7001 or a motion initiating a contested matter pursuant to FRBP 9014, both of which require service pursuant to FRBP 7004, may be made electronically, pursuant to Local Rules 2002-1(D) and 5005-4, upon any attorney or non-represented party who in either case is a registered User of the Electronic Filing System. Service upon others shall be made in accordance with the other provisions of this Rule.

LOCAL RULE 9070-1

Exhibits

A. Number to be Filed: The original and two (2) copies of any exhibit, which is capable of being photocopied, shall be filed with the Court.

B. Disposition of Exhibits: All copies of exhibits, models, diagrams, depositions, transcripts, briefs, tables, charts, or other items or things introduced, tendered or marked in the trial of a matter or filed with or delivered to the Clerk, in anticipation of their introduction into evidence, or for use at trial, shall be withdrawn by the parties to the litigation or their counsel, within thirty (30) days after the judgment and the time for appeal or motion for a rehearing or further hearing shall have passed. If such items, materials, or things are not so removed within the time stated, the Clerk may forward them to counsel or the party entitled thereto, or shall destroy or make such other disposition or use of them as the Clerk may deem appropriate.

C. Electronic Format: The submission of exhibits in electronic format, including the circumstances under which such submission may be required by the Court, shall be governed by the provisions of the Administrative Procedures authorized by the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia, as the same may be modified from time to time and posted on this Court’s Internet website.

LOCAL RULE 9072-1

Court Orders

A. Time for Filing: When the Court instructs a party to prepare a proposed order, the same shall be filed with the court within fifteen (15) days after the conclusion of the trial, hearing, or other disposition of the matter at issue.

B. Form of Filing: ~~With the proposed order the prevailing party shall file:~~

- ~~_____ 1. Copies: Only the original proposed order.~~
- ~~_____ 2. List of Parties to Receive Notice of Entry: The distribution paragraph of all orders shall contain a list of the names and addresses of all parties to receive notice of entry of the order.~~
- ~~_____ 3. Notice: As applicable, all orders presented for entry must either be:~~
 - ~~_____ (a) Endorsed by **All Parties in Interest**, or~~
 - ~~_____ (b) contain a certification that the proposed order has been~~
 - ~~_____ served upon all parties to the action.~~

B. Form of Filing:

1. Electronic Format: Effective upon the entry of the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, counsel tendering any proposed order to the Court shall do so in electronic format in such manner as may be provided in the Administrative Procedures authorized by the "Order Adopting Case Management/Electronic Case Filing" in the United States Bankruptcy Court for the Western District of Virginia, as the same may be modified from time to time and posted on the Court's internet website.

2. Paper Format: Parties appearing pro se may submit proposed orders in paper format, provided that they are typed and in scannable form. In addition, the Court may permit or require any proposed order to be submitted in paper format and bearing original signatures of all counsel or parties endorsing the same. Unless otherwise ordered by the Court, the disposition of such order after scanning shall be governed by Local Rule 5003-1(C).

C. Endorsement: Endorsement of the order by all parties to the action is encouraged but not required. Difficulty in obtaining endorsements will not excuse the party required to file a proposed order from doing so within the time prescribed by A. of this Rule. An Order tendered by counsel in electronic format shall contain the attorney's typed name as follows: /s/ John Doe. An agreed Order shall contain in similar manner the signed names of all attorneys or parties whose endorsement is necessary. Counsel's tender of an Order containing the typed signatures of other counsel shall constitute proponent counsel's representation that

each counsel has reviewed the identical version of the Order being tendered and consented thereto, or has objected thereto, in which case the fact of such counsel's objection shall be noted immediately above such counsel's typed name.

D. Objections Noted: Whenever counsel shall endorse an order and note with such endorsement any objection to the same, unless the grounds for the objection have been previously stated in the record, or unless the grounds are set forth in writing at the time and as a part of the endorsement, or a request made to the Court for a hearing, the objection will be deemed to be waived.

E. Notice: Upon entry of any proposed order, the Clerk shall forthwith send a copy of same to the proponent, who shall in turn promptly mail copies thereof to all parties directed by the Court and certify same to the Clerk. This provision will not apply if the proponent is a *pro se* debtor.

New Rule

LOCAL RULE 9018-1

Sealed Documents

- A. Requesting a Document be Sealed: A motion to file documents under seal shall contain allegations that show the basis for the necessity of a sealing order. A proposed order granting the motion shall accompany the motion to seal and both the motion and order shall be filed electronically unless permission is granted by the Court for conventional filing.
- B. Procedures: Documents ordered to be placed under seal must be filed conventionally in a manner prescribed by the Administrative Procedures authorized by the “Order Adopting Case Management/Electronic Case Filing” in the United States Bankruptcy Court for the Western District of Virginia, unless specifically ordered by the Court.